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SUPREME COURT EXTENDS PAY AND BENEFITS TO JUDGES SERVING WITH MILITARY

The Supreme Court of Illinois announced Thursday it is extending pay and benefits to judges called into active military service who are members of the Illinois National Guard and reservists of the Armed Forces.

In amending Supreme Court Rule 76 dealing with the military service of judges, the Supreme Court recognized the increased reliance on National Guard and reservist troops in an all-volunteer military.

The former rule, adopted in 1971, allowed a judge to serve on active duty for no longer than 30 days in a one-year period without loss of pay or vacation privileges; and for no more than six months in any two-year period without having to lose his or her job as a judge.

The new rule allows a judge to serve on active duty during war for 12 months and receive full judicial salary for the first 30 days of service and, after 30 days, an amount including base military pay to a level earned at the time he or she was called to service. After the initial 12-month period, a judge who remains on active duty may request an extension of the 12-month period from the Supreme Court.

“We are happy to recognize the importance of the military service our judges give to our nation,” said Chief Justice Mary Ann G. McMorrow. “They should not be put at a disadvantage in their employment when they are serving their country in another capacity.”

At the recommendation of Justice Rita B. Garman, the proposal for a rule change was brought to the attention of the Court by Associate Judge Robert L. Freitag, who sits in the 11th Judicial Circuit in McLean County, which is located in Justice Garman’s Fourth Judicial District.

Judge Freitag wrote in February that as a commissioned officer in the U.S. Army Reserve, he was notified that his assigned unit was being called to active duty for one year in support of Operation Iraqi Freedom, and asked for a waiver or modification of Supreme Court Rule 76.

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Judge Freitag has since been reassigned and has not been summoned to active duty.

In changing the rule, the Court was aware of an Executive Order issued by Gov. Rod Blagojevich in February, ensuring that state employees under his control serving in the reserves or National Guard continue to receive their regular pay and benefits, less the amount of base military pay.

Federal statute also prohibits employers from terminating employees because of their call to active military service.

“It is important to recognize the contributions of our judges on active duty to the service of their country,” said Justice Garman. “Other branches of government and employers recognize the importance of serving our nation when their employees are called up, and judges should similarly be allowed to serve.

“The old rule was written for a different time. We have an all-volunteer military at this point, and the reservists are often used and relied upon when the government determines we are in positions of peril.”

The amended rule also extends full pay during required training periods, and affords the continuation of health insurance and other benefits during periods of active military service.

The rule also affords a judge on active duty to file a declaration of candidacy and run for retention, and an associate judge, whose term is expiring, to file a request for reappointment to the bench.

The amended rule was modeled after similar provisions in effect in Florida and Texas.